



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1**

5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MA 02109-3912

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**JUN 25 2015**

Massachusetts Port Authority  
Attn: Chet Myers, P.E.  
Senior Waterfront Project Manager  
Capital Programs  
One Harborside Drive, Suite 200S  
East Boston, Massachusetts 02128-2909

Re: PCB Risk-Based Approval under 40 CFR § 761.61(c)  
Black Falcon Terminal

Dear Mr. Myers:

This is in response to the Notification<sup>1</sup> by the Massachusetts Port Authority ("Massport") to address PCB-contaminated sediments that will be dredged at the Black Falcon Terminal located at 1 Black Falcon Avenue in Boston, Massachusetts. Approximately 5,500 cubic yards of PCB-contaminated sediments will be dredged between Station 0+43 and Station 35+00 (hereinafter the "Site") and shown on Figure 2 of the Notification.

Massport has submitted a risk-based plan under 40 CFR § 761.61(c) to address dredged PCB-contaminated sediments and debris that includes the following:

- ✓ Dredging of PCB-contaminated sediments and debris located between Station 0+43 and Station 22+74.99, and between Station 23+25.01 and Station 35+00; sampling of these sediments to confirm PCB concentrations are less than (" $<$ ") 50 parts per million ("ppm"); temporary storage at the North Jetty; and, transport and disposal of the dewatered sediments/debris as a  $< 50$  ppm PCB waste in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(ii)

---

<sup>1</sup> Information was submitted on behalf of Massport by GEI Consultants to satisfy the notification requirements under 40 CFR § 761.61(c). Information was provided dated June 2015 (Risk-Based Polychlorinated Biphenyl Materials Management Plan); June 12, 2015 (email Response to EPA Comments); June 2015 (Risk-Based Polychlorinated Biphenyl Materials Management Plan, Revision 1); and, June 2015 (Water Quality Monitoring Plan). These submittals will be referred to as the "Notification."

- ✓ Dredging of PCB-contaminated sediments and debris located between Station 22+75 and Station 23+25; temporary storage at the North Jetty; and, transport and disposal of these dewatered sediments/debris as a greater than or equal to (“≥”) 50 ppm PCB waste in accordance with 40 CFR § 761.61(a)(5)(i)(B)(2)(iii)
- ✓ Sampling of dewatering effluent to confirm PCB concentrations for treatment and disposal

The information provided meets the notification requirements under 40 CFR §§ 761.61(a)(3) and (c). Given the sampling that has been conducted and the proposed dredging plan with additional sampling of dredged sediments, EPA has determined that management and disposal of the dredged, dewatered sediments and debris as proposed will not pose an unreasonable risk of injury to health or the environment. EPA applies this unreasonable risk standard in accordance with the PCB regulations at 40 CFR § 761.61(c), and the Toxic Substances Control Act, at 15 USC § 2605(e).

Massport may proceed with the project in accordance with 40 CFR § 761.61(c); the Notification; and, this Approval, subject to the conditions of Attachment 1. Under this Approval, EPA is reserving its rights to require additional investigation or different management or disposal measures should higher PCB concentrations be identified in the sediments or if EPA finds that the plan is not protective of health and/or the environment.

Please be aware that this Approval does not release Massport from any applicable requirements of federal, state or local law or permits, including those requirements related to other [non-PCB] contaminants under the Massachusetts Department of Environmental Protection regulations.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100  
Mailcode: OSRR07-2  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

EPA shall consider this project complete when it has received all submittals required under this Approval, including documents evidencing appropriate off-site disposal of all dredged sediments. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with the 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in black ink, reading "Nancy Barmakian". The signature is fluid and cursive, with the first name "Nancy" being more prominent than the last name "Barmakian".

Nancy Barmakian, Acting Director  
Office of Site Remediation & Restoration

Attachment 1: Approval Conditions

cc: Derek Standish, MassDEP Bureau of Water Resources - Boston  
Karen Adams, USACE - Concord  
Boston Conservation Commission  
Ileen Gladstone, GEI  
Phil Colarusso, EPA  
File



## ATTACHMENT 1

**PCB RISK-BASED APPROVAL CONDITIONS  
BLACK FALCON TERMINAL (the "Site")  
1 BLACK FALCON AVENUE  
BOSTON, MASSACHUSETTS**

### GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB remediation waste* located at the Site and identified in the Notification.<sup>2</sup>
  - a. In the event that the Massachusetts Port Authority ("Massport") identifies PCB-contaminated sediment not described in the Notification which is subject to management under the PCB regulations, they will be required to notify EPA and manage such PCB-contaminated sediment in accordance with 40 CFR Part 761.
2. Massport shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. Massport shall comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill of PCBs during response actions, Massport shall contact EPA within 24 hours for direction on sampling and cleanup requirements.
6. Massport is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time Massport has or receives information indicating that Massport or any other person has failed, or may have failed, to comply with any provision of this Approval, Massport must report the information to EPA in writing within 24 hours of having or receiving the information.

---

<sup>2</sup> Information was submitted on behalf of Massport by GEI Consultants to satisfy the notification requirements under 40 CFR § 761.61(c). Information was provided dated June 2015 (Risk-Based Polychlorinated Biphenyl Materials Management Plan); June 12, 2015 (email Response to EPA Comments); June 2015 (Risk-Based Polychlorinated Biphenyl Materials Management Plan, Revision 1); and, June 2015 (Water Quality Monitoring Plan). These submittals will be referred to as the "Notification."

7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by Massport are authorized to conduct the activities set forth in the Notification. Massport is responsible for ensuring that the selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release Massport from compliance with any applicable requirements of federal, state or local law; or 3) release Massport from liability for, or otherwise resolve, any violations of federal, state or local law.

#### **NOTIFICATION AND CERTIFICATION CONDITIONS**

9. This Approval may be revoked if the EPA does not receive written notification from Massport of acceptance of the conditions of this Approval within 10 business days of receipt.
10. Massport shall notify EPA in writing of the scheduled date of commencement of on-site activities at least one (1) business day prior to conducting any work under this Approval.
11. Prior to initiating onsite work under this Approval, Massport shall submit the following information:
  - a. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the analytical and quality assurance requirements specified in the Notification and in this Approval;
  - b. a certification signed by its selected remediation contractor, stating that the contractor has read and understands the Notification, and agrees to abide by the conditions specified in this Approval; and,
  - c. a contractor work plan, prepared by the contractor, detailing the means and methods for dredging, sampling, dewatering, storage, and disposal of PCB-contaminated sediment and for equipment decontamination. This work plan should also include a revised water quality monitoring plan that will be implemented during dredging and dewatering operations and that includes monitoring intervals of one foot below surface and one foot above the dredge bottom. Massport and the contractor shall incorporate any changes deemed necessary by EPA to support that the work will not pose an unreasonable risk to health or the environment.



## **STORAGE AND DISPOSAL CONDITIONS**

12. To the maximum extent practical, engineering controls shall be utilized to minimize the potential for PCB releases during any work to be conducted at the Site. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.
13. Massport shall submit the PCB sampling results for the dredged sediment to EPA for review prior to shipment of the dredged sediment for off-site disposal. PCB analytical results shall be reported on a dry-weight basis. If any dredged sediment previously determined to contain less than (" $<$ ") 50 parts per million ("ppm") is identified to contain PCBs at greater than or equal to (" $\geq$ ") 50 ppm, the dewatered dredged sediment shall be disposed of in accordance with 40 CFR 40 CFR § 761.61(a)(5)(i)(B)(2)(iii). In this event, EPA may require a modification to the dredged sediment sampling plan to require a higher frequency of sampling for all dredged sediment to confirm PCB concentrations for off-site disposal.
14. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, with exception of decontaminated materials, shall be marked in accordance with 40 CFR § 761.40; stored in a manner prescribed in 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5) as detailed in the Notification, unless otherwise specified or as follows:
  - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
  - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
  - c. PCB-contaminated water generated during decontamination or dewatering shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.70.

## **INSPECTION, MODIFICATION AND REVOCATION CONDITIONS**

15. Massport shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by Massport to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).

17. If such modification involves a change which results in exposures not considered in the Notification, the EPA may revoke, suspend, and/or modify this Approval upon finding that this risk-based plan may pose an unreasonable risk of injury to health or the environment. EPA may take similar action if the EPA does not receive requested information needed from Massport to make a determination regarding potential risk.
18. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
19. Any misrepresentation or omission of any material fact in the Notification or in any future records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
20. Approval for these activities may be revoked, modified or otherwise altered: if EPA finds a violation of the conditions of this Approval or of 40 CFR Part 761, including EPA's PCB Spill Cleanup Policy, or other applicable rules and regulations; if EPA finds that these activities pose an unreasonable risk of injury to health or the environment; if EPA finds that there is migration of PCBs from the Site; or, if EPA finds that changes are necessary to comply with new rules, standards, or guidance for such approvals.

#### **RECORDKEEPING AND REPORTING CONDITIONS**

21. Massport shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. Massport shall maintain a written record of the authorized activities and the analytical sampling in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection by authorized representatives of EPA.
22. Massport shall submit a Final Completion Report ("Report") in both hard copy and electronic format (CD-ROM) to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this Report shall include: a discussion of the project activities with photo-documentation and any other documents confirming the dredge depths; characterization and confirmation sampling analytical results, as applicable; copies of laboratory reports and accompanying analytical chains of custody (to be provided only on CD-ROM); field and laboratory quality control/quality assurance checks (to be provided only on CD-ROM); an estimate of the quantity of PCBs removed and disposed off-site; copies of manifests and/or bills of lading or equivalent; and, copies of certificates of disposal or similar certifications issued by the disposer.



23. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator  
United States Environmental Protection Agency  
5 Post Office Square, Suite 100 (OSRR07-2)  
Boston, Massachusetts 02109-3912  
Telephone: (617) 918-1527  
Facsimile: (617) 918-0527

24. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self disclosure or penalty policies.
25. Nothing in this Approval is intended or is to be construed to prejudice any right or remedy concerning PCBs or other federally-regulated contaminants at the Site otherwise available under Section 6 of TSCA, 15 U.S.C. § 2605, 40 CFR Part 761, or other provisions of federal law.

\*\*\*\*\*

**END OF ATTACHMENT 1**